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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation

RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 25th July, 1975:—

BILL No. XV OF 1975

A Bill to establish standards of weights and measures, to regulate inter-State trade or commerce in weights, measures and other goods which are sold or distributed by weight, measure or number, and to provide for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Twenty-sixth Year of the Republic of India as follows:—

PART I

PROVISIONS APPLICABLE TO EVERY PART

Short title, extent and commencement.

1. (*1*) This Act may be called the Standards of Weights and Measures Act, 1975.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date as the Central Government may, by notification, appoint, and different dates may be appointed for different—

(*a*) provisions of this Act,
(*b*) areas,
(*c*) classes of undertakings,
(*d*) classes of goods,
(*e*) classes of weights and measures, or
(*f*) classes of users of weights and measures,

and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that

provision in such areas, or in respect of such classes of undertakings, goods, weights and measures or users of weights and measures in relation to which this Act has been brought into force.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "calibration" means all the operations which are necessary for the purpose of determining the values of the errors of a weight or measure and, if necessary, to determine the other metrological properties of such weight or measure, and includes the actual fixing of the positions of the gauge-marks or scale-marks of a weight or measure, or in some cases, of certain principal marks only, in relation to the corresponding values of the quantity to be measured.

Explanation.—Calibration may also be carried out with a view to permitting the use of a weight or measure as a standard;

(*b*) "commodity in packaged form" means commodity packaged, whether in any bottle, tin, wrapper or otherwise. in units suitable for sale, whether wholesale or retail;

(*c*) "dealer", in relation to any weight or measure, means a person who, or a firm or a Hindu undivided family which, carries on, directly or otherwise, the business of buying, selling, supplying or distributing any such weight or measure, whether for cash or for deferred payment or for commission, remuneration or other valuable consideration, and includes—

(*i*) a commission agent who carries on such business on behalf of any principal,

(*ii*) an importer who sells, supplies, distributes or otherwise delivers any weight or measure to any user, manufacturer, repairer, consumer or any other person,

but does not include a manufacturer who sells, supplies, distributes or otherwise delivers any weight or measure to any person or category of persons referred to in this clause.

Explanation.—For the removal of doubts, it is hereby declared that a manufacturer, who sells, supplies, distributes or otherwise delivers any weight or measure to any person other than a dealer, shall be deemed to be a dealer;

(*d*) "Director" means the Director of Legal Metrology appointed under section 28;

(*e*) "export", with its grammatical variations and cognate expressions, means taking out of India to a place outside India;

(*f*) "false package" means any package which does not conform to the provisions of this Act or any rule or order made thereunder in relation to such package;

(*g*) "false weight or measure" means any weight or measure which does not conform to the standards established by or under this Act in relation to that weight or measure;

(*h*) "General Conference on Weights and Measures" means the Conference General des Poids of Mesures established under the Convention du Metre;

(*i*) "import", with its grammatical variations and cognate expressions, means bringing into India from a place outside India;

(*j*) "International Bureau of Weights and Measures" means the Bureau Internationale des Poids et Mesures, established under the Convention du Metre, et Sevres in France;

(*k*) "International Organisation of Legal Metrology" means the Organisation Internationale de Metrologie Legale established under the Convention Instituant Une Organisation Internationale de Metrologie Legale;

(*l*) "International Prototype of the Kilogram" means the prototype sanctioned by the First General Conference on Weights and Measures held in Paris in 1889, and deposited at the International Bureau of Weights and Measures;

(*m*) "inter-State trade or commerce", in relation to any weight or measure or other goods which are bought, sold, supplied, distributed or delivered by weight, measure or number, means the purchase, sale, supply, distribution or delivery which—

(*i*) occasions the movement of such weight, measure or other goods from one State to another, or

(*ii*) is effected by a transfer of documents of title to such weight, measure or other goods during its movement from one State to another.

Explanation I.—Where any such weight or measure is, or other goods are, delivered to a carrier or other bailee for transmission, the movement of such weight, measure or other goods shall, for the purposes of sub-clause (*ii*), be deemed to commence at the time of such delivery and terminate at the time when delivery is taken from such carrier or bailee.

Explanation II.—Where the movement of any such weight, measure or other goods commences and terminates in the same State, it shall not be deemed to be a movement of such weight, measure or other goods from one State to another merely by reason of the fact that in the course of such movement it passes through the territory of any other State;

(*n*) "label" means any written, marked, stamped, printed, or graphic matter affixed to, or appearing upon, any commodity or package containing any commodity;

(*o*) "manufacturer", in relation to any weight or measure, means a person who, or a firm or a Hindu undivided family which,—

(*i*) makes or manufactures such weight or measure,

(*ii*) makes or manufactures one or more parts, and acquires the other parts, of such weight or measure and, after assembling those parts, claims the end product to be a weight or measure manufactured by himself or itself, as the case may be,

(*iii*) does not make or manufacture any part of such weight or measure but assembles parts thereof made or manufactured by others and claims the end product to be a weight or measure manufactured by himself or itself, as the case may be,

(*iv*) puts, or causes to be put, his own mark on any complete weight or measure made or manufactured by any other person and claims such product to be a weight or measure made or manufactured by himself or itself, as the case may be.

Explanation.—Where any manufacturer despatches any weight or measure or any part thereof to any branch office maintained by him or it, such branch office shall not be deemed to be a manufacturer even though the parts so despatched to it are assembled at such branch office;

(*p*) "notification" means a notification published in the Official Gaette;

(*q*) "person" includes—

(*i*) every department or office,

(*ii*) every organisation established or constituted by Government,

(*iii*) every local authority within the territory of India,

(*iv*) every co-operative society,

(*v*) every other society registered under the Societies Registration Act, 1860; 21 of 1860.

(*r*) "premises" includes—

(*i*) a place where any business, industry, production or trade is carried on by a person, whether by himself or through an agent, by whatever name called,

(*ii*) a warehouse, godown or other place where any weight, measure or other goods are stored or exhibited,

(*iii*) a place where any books of account or other documents pertaining to any trade or transaction are kept,

(*iv*) a dwelling house, if any part thereof is used for the purpose of carrying on any business, industry, production or trade.

Explanation.—"Place" includes a vehicle or vessel or any other mobile device, with the help of which any trade or business is carried on, and also includes any measuring instrument mounted on a vehicle, vessel or other mobile device;

(*s*) "prescribed" means prescribed by rules made under this Act and "prescribed authority" means such authority as may be specified by such rules;

(*t*) "reference standard" means the set of standard weight or measure which is made or manufactured by or on behalf of the Central Government for the verification of any secondary standard;

(*u*) "repairer" includes a person who adjusts, cleans, lubricates or paints any weight or measure or renders any other service to such weight or measure to ensure that such weight or measure conforms to the standards established by or under this Act;

(*v*) "sale", with its grammatical variations and cognate expressions, means transfer of property in any weight, measure or other

goods by one person to another for cash or for deferred payment or for any other valuable consideration, and includes a transfer of any weight, measure or other goods on the hire-purchase system or any other system of payment by instalments, but does not include a mortgage or hypothecation of, or a charge or pledge on, such weight, measure or other goods;

(*w*) "seal" means a device or process by which a stamp is made, and includes any wire or other accessory which is used for ensuring the integrity of any stamp;

(*x*) "secondary standard" means the set of standard weight or measure which is made or manufactured by or on behalf of the Central or State Government for the verification of any working standard;

(*y*) "stamp" means a mark, which is made on, or in relation to, any weight or measure with a view to—

(*i*) certifying that such weight or measure conforms to the standard specified by or under this Act, or

(*ii*) indicating that any mark which was previously made thereon certifying that such weight or measure conforms to the standards specified by or under this Act, has been obliterated.

Explanation.—A stamp may be made by impressing, casting, engraving, etching, branding or any other process;

(*z*) "transaction" means—

(*i*) any contract, whether for sale, purchase, exchange or any other purpose, or

(*ii*) any assessment of royalty, toll, duty or other dues, or

(*iii*) the assessment of any work done, wages due or services rendered;

(*za*) "unverified weight or measure" means a weight or measure which, being required to be verified and stamped under this Act, has not been so verified and stamped;

(*zb*) "verification", with its grammatical variations and cognate expressions, includes, in relation to any weight or measure, the process of comparing, checking, testing or adjusting such weight or measure with a view to ensuring that such weight or measure conforms to the standards established by or under this Act, and also includes re-verification and calibration;

(*zc*) "weighing or measuring instrument" means any object, instrument, apparatus or device, or any combination thereof, which is, or is intended to be, used, exclusively or additionally, for the purpose of making any weighment or measurement, and includes any appliance, accessory or part associated with any such object, instrument, apparatus or device;

(*zd*) "weight or measure" means a weight or measure specified by or under this Act, and includes a weighing or measuring instrument;

(*ze*) "working standard' means the set of standard weight or measure which is made or manufactured by or on behalf of Government for the verification of any standard weight or measure, other than a national prototype or national reference or secondary standard.

Provisions of this Act to override the provisions of any other law.

3. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or in any instrument having effect by virtue of any enactment other than this Act.

PART II

ESTABLISHMENT OF STANDARDS OF WEIGHTS AND MEASURES

CHAPTER I

Standard units

Units of weight or measure to be based on metric system.

4. (*1*) Every unit of weight or measure shall be based on the units of the metric system.

(*2*) For the purposes of sub-section (*1*).—

(*a*) the international system of units as recommended by the General Conference on Weights and Measures, and

(*b*) such additional units as may be recommended by the International Organisation of Legal Metrology,

shall be the units of the metric system.

Base unit of length.

5. (*1*) The base unit of length shall be the metre.

(*2*) The "metre" is the length equal to 1 650 763·73 wave lengths in vacuum of the radiation corresponding to the transition between the levels $2p_{10}$ and $5d_5$ of the krypton H-86 atom.

Base unit of mass.

6. (*1*) The base unit of mass shall be the kilogram.

(*2*) The "kilogram" is the unit of mass; it is equal to the mass of the International Prototype of the Kilogram.

Base unit of time.

7. (*1*) The base unit of time shall be the second.

(*2*) The "second" is the duration of 9 192 631 770 periods of the radiation corresponding to the transition between the two hyperfine levels of the ground state of the caesium H-133 atom.

Base unit of electric current

8. (*1*) The base unit of electric current shall be the ampere.

(*2*) The "ampere" is that constant current which if maintained in two straight parallel conductors of infinite length, of negligible circular cross-section, and placed one metre apart in vacuum, would produce between these conductors a force equal to 2×10^{-7} newton per metre of length.

Base unit of thermodynamic temperature

9. (*1*) The base unit of thermodynamic temperature shall be the kelvin.

(*2*) The "kelvin" is the fraction 1/273 16 of the thermodynamic temperature of the triple point of water.

(3) The kelvin shall also be used for expressing the interval of temperature.

(4) The degree Celsius of the International Practical Scale of Temperature, the zero degree of which corresponds to 273.15 kelvins, is equal to the kelvin.

(5) The degree Celsius may also be used for expressing the interval of temperature.

Base of luminous intensity.

10. (1) The base unit of luminous intensity shall be the candela.

(2) The "candela" is the luminous intensity, in the perpendicular direction, of a surface of 1/600,000 square metre of a black body at the temperature of freezing platinum under a pressure of 101 325 newtons per square metre.

Base unit of amount of substance.

11. (1) The base unit of amount of substance shall be the mole.

(2) The "mole" is the amount of substance of a system which contains as many elementary entities as there are atoms in 0.012 kilogram of carbon 12.

(3) When the mole is used, the elementary entities shall invariably be specified and may be atoms, molecules, ions, electrons, other particle, or specified groups of such particles.

Supplementary, derived, special and other units of weight or measure—their symbols, definitions, etc.

12. (1) The Central Government may, by rules made in this behalf, specify, in relation to the base units of weight or measure, such supplementary, derived, or other units or standard symbols or definitions as the General Conference on Weights and Measures or the International Organisation of Legal Metrology may recommend.

Explanation.—"Derived unit" means a unit which is derived from the base, or supplementary, units, or both.

(2) The Central Government may, by rules made in this behalf, specify, such multiples and sub-multiples of, and physical constants and ratios of co-efficients in relation to, units of weight or measure as the General Conference on Weights and Measures or the International Organisation of Legal Metrology may recommend.

(3) The Central Government may, by notification, declare, for such period as it may consider necessary such special units of weight or measure as the General Conference on Weights and Measures or the International Organisation of Legal Metrology may recommend.

Base unit of numeration.

13. (1) The base unit of numeration shall be the unit of the international form of Indian numerals.

(2) Every numeration shall be made in accordance with the decimal system.

(3) The decimal multiples and sub-multiples of the numerals shall be of such denominations and be written in such manner as the Central

Government may, after previous publication, specify by rules made in this behalf:

Provided that no such rule shall be made before the expiry of six months from the date on which the draft of the proposed rules was first published in the Official Gazette.

Standard unit of weight or measure.

14. (*1*) The base unit of weight specified in section 6 and base units of measures specified in sections 5 and 7 to 11 (both inclusive) and the supplementary and other units specified by rules made under section 12, shall be the standard units of weight or measure, as the case may be.

(*2*) The units of numeration specified by or under section 13 shall be the standard units of numeration.

CHAPTER II

Physical Representation of Standard Units

National prototypes.

15. (*1*) For the purpose of deriving the value of the kilogram, the Central Government shall cause to be prepared a national prototype of the kilogram and shall cause its accuracy to be certified by the International Bureau of Weights and Measures in terms of the International Prototype of the Kilogram and shall deposit the same in such custody and at such place as that Government may think fit.

(*2*) For the purpose of deriving the value of the metre, the Central Government may cause to be prepared a national prototype of the metre and, where such prototype is caused to be made, shall also cause its accuracy to be certified by the International Bureau of Weights and Measures and deposit the same in such custody and at such place as that Government may think fit.

National standards.

16. (*1*) For the purpose of deriving the value of the base units, other than the base unit of mass, the Central Government shall cause to be prepared such objects or equipments, or both, as may be necessary for the purpose and shall cause the accuracy of such objects or equipments, or both, to be certified by the International Bureau of Weights and Measures at such periodical intervals as may be prescribed, and, shall, after such certification, deposit such objects or equipments, or both, in such custody and at such place as that Government may think fit.

(*2*) For the purpose of deriving the value of the supplementary and other units specified under section 12, the Central Government shall cause to be prepared such objects or equipments, or both, as may be necessary for the purpose and shall cause the accuracy of such objects or equipments, or both, to be certified at such periodical intervals and by such authority as may be prescribed, and, shall after certification, deposit such objects or equipments, or both, in such custody and at such place as that Government may think fit.

National prototype and national standard how to be kept.

17. Every national prototype specified in section 15 and every object or equipment, or both, referred to in section 16, shall be kept in such manner and under such conditions as may be prescribed.

Reference, secondary and working standards.

18 (*1*) Every—

(*a*) reference standard,

(*b*) secondary standard, and

(*c*) working standard,

shall conform to the standards established by or under this Act and be verified and authenticated at such periodical intervals and in such manner as may be prescribed

(*2*) Every reference standard, every secondary standard and every working standard shall be kept in such manner and under such conditions as may be prescribed.

Power of Central Government to prescribe physical characteristics, etc., of weights and measures.

19. (*1*) The Central Government shall, in relation to any weight or measure, prescribe the physical characteristics, configuration, constructional details, materials, equipment, performance, tolerances, methods or procedures of tests in accordance with the recommendations made by the International Organisation of Legal Metrology:

Provided that where no such recommendation has been made, the Central Government shall prescribe such physical characteristics, configuration, constructional details, materials, equipment, performance, tolerances, methods or procedures of tests in relation to any weight or measure as it may think fit.

(*2*) Where it is not reasonably practicable to give effect to any recommendation made by the International Organisation of Legal Metrology, the Central Government may make such changes of a minor nature in the recommendation of the International Organisation of Legal Metrology as may appear to it to be necessary.

CHAPTER III

Standard Weights and Measures

Standard weight or measure.

20. (*1*) Any weight or measure which conforms to the standard unit of such weight or measure and also conforms to such of the provisions of sections 15 to 19 (both inclusive) as are applicable to it shall be the standard weight or measure.

(*2*) Any numeral which conforms to the provisions of section 13 shall be the standard numeral.

Use of non-standard weight or measure prohibited.

21. No weight, measure or numeral, other than the standard weight, measure or numeral, shall be used as a standard weight, measure or numeral.

Manufacture of non-standard weight or measure prohibited.

22. No weight or measure shall be made or manufactured unless it conforms to the standards of weight or measure established by or under this Act:

Provided that the Central Government may permit the making or manufacturing of any weight or measure which does not conform to the standards established by or under this Act, if such weight or measure is made or manufactured exclusively for the purpose of any scientific investigation or research or for export and is made or manufactured under such conditions and restrictions as may be prescribed.

Prohibition with regard to inscriptions, etc.

23. No weight, measure or other goods shall bear thereon any inscription or indication of weight, measure or number except in accordance with the standard unit of such weight, measure or numeration established by or under this Act:

Provided that in relation to any weight, measure or other goods which are manufactured for scientific investigation or research or for export, inscription or indication thereon of any weight, measure or number may also be made in accordance with any other system of weight, measure or numeration if such inscription or indication is demanded by the person by whom such scientific investigation or research is to be made or by the person to whom the export is to be made.

CHAPTER IV

Custody and Verification of Standard Equipments

Supply, etc., of reference standards.

24. (*1*) The Central Government shall cause to be prepared, for the purposes of this Act, as many sets of reference standards as it may think necessary and shall supply to each State Government as many sets of reference standards as it may think fit.

(*2*) The Central Government shall keep in its custody, for the purposes of this Act, such number of reference standards as may be necessary.

(*3*) Every reference standard referred to in sub-section (*2*) shall be kept at such place and in such custody as may be prescribed and no such reference standard shall be deemed to be a reference standard and shall be used as such unless it has been verified and authenticated in accordance with the rules made under this Act.

Preparation and custody of secondary or working standards.

25. The Central Government shall cause to be prepared, for the purposes of this Act, as many sets of secondary standard or working standard as it may think necessary and shall keep such sets of secondary standard or working standard at such place and in such custody as may be prescribed.

Verification, stamping, etc., of secondary or working standards.

26. (*1*) Every secondary standard referred to in section 25 shall be verified with the reference standard by such authority as may be prescribed and shall, if found on such verification to conform to the standards established by or under this Act, be stamped by that authority.

(*2*) Every working standard referred to in section 25 shall be verified with the secondary standard which has been stamped in accordance with the provisions of sub-section (*1*), by such authority as may be prescribed and shall, if found on such verification to conform to the standards established by or under this Act, be stamped by that authority.

(*3*) Where any secondary standard or working standard is stamped in accordance with the provisions of sub-section (*1*), or sub-section (*2*), as the case may be, a certificate shall be separately given showing the date on which such weight or measure was stamped.

(*4*) Every secondary standard or working standard which is not verified and stamped in accordance with the provisions of sub-section (*1*) or sub-section (*2*), as the case may be, shall not be deemed to be a secondary standard or working standard and shall not be used as such.

Secondary or working standard which may be stamped.

27. Where the Central Government is of opinion that by reason of the size or nature of any secondary standard or working standard referred to in section 25, it is not desirable or practicable to put a stamp thereon, it may direct that instead of putting a stamp on such secondary standard or working standard, a certificate may be issued to the effect that such secondary standard or working standard conforms to the standards established by or under this Act and every secondary standard or working standard so certified shall be deemed to have been duly stamped under this Act on the date on which such certificate was issued.

PART III

APPOINTMENT AND POWERS OF DIRECTOR AND OTHER STAFF

Appointment of Director and other staff.

28. (*1*) **The Central Government may, by notification, appoint a Director of Legal Metrology and as many Additional, Joint, Deputy or Assistant Directors and other officers and staff as may be necessary for exercising the powers and efficiently discharging the duties conferred or imposed on them by or under this Act.**

(*2*) Every Additional, Joint, Deputy or Assistant Director and other officer, appointed under sub-section (*1*), shall exercise such powers, and discharge such functions of the Director as the Central Government may, by notification, authorise in this behalf.

(*3*) The Director may, by general or special order, define the local limits within which each Additional, Joint, Deputy or Assistant Director or other officer, appointed under sub-section (*1*), shall exercise his powers and discharge the duties conferred or imposed on him by or under this Act.

(*4*) Subject to the provisions of this Act, every Additional, Joint, Deputy or Assistant Director and every other officer, appointed under sub-section (*1*), shall exercise his powers and discharge the duties of his office under the general superintendence, direction and control of the Director and shall exercise those powers and discharge those duties in the same manner and with the same effect as if they had been conferred or imposed on him directly by this Act and not by way of authorisation.

(5) The Director and every Additional, Joint, Deputy and Assistant Director and every other officer authorised to perform any duty by or under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. 45 of 1860.

(*6*) No suit, prosecution or other legal proceeding shall lie against the Director, Additional, Joint, Deputy or Assistant Director or any other officer authorised to perform any duty by or under this Act in respect of anything which is in good faith done or intended to be done under this Act or any rule or order made thereunder.

(*7*) The Central Government may, with the consent of the State Government and subject to such conditions, limitations and restrictions as it may specify in this behalf, delegate such of the powers of the Director under this Act as it may think fit to the person for the time being

holding the office of the Controller of Legal Metrology, in the State, and such Controller may, if he is of opinion that it is necessary or expedient in the public interest so to do, delegate such of the powers delegated to him as he may think fit to any officer subordinate to him, not being an officer below the rank of an Inspector, and where any such delegation of powers is made by such Controller, the person to whom such powers are delegated shall exercise those powers in the same manner and with the same effect as if they had been conferred on him directly by this Act and not by way of delegation.

(*8*) Where any delegation of powers is made under sub-section (*7*), the powers so delegated shall be exercised under the general superintendence, direction and guidance of the Director.

Power of inspection, etc.

29. (*1*) The Director, or any person authorised to exercise the powers or discharge the functions of the Director, may, if he has any reason to believe, whether from any information given to him by any person and taken down in writing or from personal knowledge or otherwise, that any weight or measure or other goods in relation to which any inter-State trade or commerce has taken place or is intended to take place and in respect of which an offence punishable under this Act appears to have been, or is likely to be, committed are either kept or concealed in any premises or are in the course of transportation from one State to another,—

(*a*) enter at any reasonable time into any such premises and search for and inspect any weight, measure or other goods in relation to which inter-State trade or commerce has taken place, or is intended to take place, and any record, register or other document relating thereto;

(*b*) seize any weight, measure or other goods and any record, register or other document or article which he has reason to believe may furnish evidence indicating that an offence punishable under this Act has been, or is likely to be, committed in the course of, or in relation to, any inter-State trade or commerce.

(*2*) Where any goods seized under sub-section (*1*) are subject to speedy or natural decay, the Director or the authorised person may dispose of such goods in such manner as may be prescribed.

(*3*) Every search or seizure made under this section shall be carried out in accordance with the provisions of the Code of Criminal Procedure, 1973, relating to searches and seizures made under that Code. 2 of 1974

Forfeiture.

30. Every false or unverified weight or measure, and every false package, used in the course of, or in relation to, any inter-State trade or commerce and seized under section 29, shall be liable to be forfeited to the Central Government:

Provided that such unverified weight or measure shall not be forfeited to Government if the person from whom such weight or measure was seized gets the same verified and stamped within such time as may be prescribed.

PART IV

INTER-STATE TRADE OR COMMERCE IN WEIGHT, MEASURE OR OTHER GOODS

CHAPTER I

Applicability of this Part

Part IV to apply to inter-State trade or commerce only.

31. The provisions of this Part shall apply to—

(*a*) every weight or measure which is, or is intended to be,—

(*i*) made or manufactured for the purpose of inter-State trade or commerce,

(*ii*) used, sold, distributed, delivered or otherwise transferred in the course of inter-State trade or commerce;

(*b*) goods which are, or are intended to be, sold, distributed, delivered or otherwise transferred by weight, measure or number in the course of inter-State trade or commerce;

(*c*) every service which is rendered by weight, measure or number in relation to, or in the course of, inter-State trade or commerce.

CHAPTER II

General

Use of weights only or measures only in certain cases.

32. (*1*) The Central Government may, by rules made in this behalf, direct that in respect of the class of goods or undertakings or users specified therein, no transaction, dealing or contract shall be made or had except by such weight, measure or number as may be specified in the said rules.

(*2*) Any rule made under sub-section (*1*) shall take effect in such area, from such future date and subject to such conditions, if any, as may be specified therein.

Prohibition of quotations, etc., otherwise than in terms of standard units of weights, measures or numeration

33. No person shall, in relation to any goods, thing or service to which this Part applies,—

(*a*) quote, or make announcement of, whether by word of mouth or otherwise, any price or charge, or

(*b*) issue or exhibit any price list, invoice, cash memo or other document, or

(*c*) prepare or publish any advertisement, poster or other document, or

(*d*) indicate the contents of any package either on itself or on any label, carton or other thing, or

(*e*) indicate the contents on any container, or

(*f*) express any quantity or dimension,

otherwise than in accordance with the standard unit of weight, measure or numeration.

Any custom, usage, etc., contrary to standard weight, measure or numeration to be void.

34. Any custom, usage, practice or method of whatever nature which permits a person to demand, receive, or cause to be demanded or received, any quantity of article, thing or service (to which this Part applies) in excess of, or less than, the quantity specified by weight, measure or number in the contract or other agreement in relation to the said article, thing or service, shall be void.

Manufacturers, etc., to maintain records and registers.

35. (*1*) Every person who—

(*a*) makes, manufactures, sells, distributes or otherwise disposes of any weight or measure or other goods which are sold, delivered or distributed by weight, measure or number, or

(*b*) repairs any weight or measure,

to which this Part applies, shall maintain such records and registers as may be prescribed and if required so to do by the Director, shall produce such records and registers before the Director or such other officer as the Director may authorise in this behalf, for inspection.

(*2*) Notwithstanding anything contained in sub-section (*1*), if the Director is of opinion that having regard to the nature or volume of the business carried on by any maker, manufacturer, dealer or repairer, it is necessary so to do, he may, by order exempt such maker, manufacturer, dealer or repairer from the operation of that sub-section.

CHAPTER III

Approval of models

Approval of models.

36. (*1*) Save as otherwise provided in this section, this Chapter shall not apply to—

(*a*) any weight or measure which, being subject to verification and stamping under the State law as in force immediately before the commencement of this Act, is in use at such commencement;

(*b*) any cast iron, brass, bullion, or carat weight or any beam-scale, except those specified by rules made in this behalf;

(*c*) length measures (not being measuring tapes) ordinarily used in retail trade for measuring textiles or timber;

(*d*) capacity measures, not exceeding twenty litres in capacity, which are ordinarily used in retail trade for measuring kerosene, milk or potable liquors;

(*e*) any weighing or measuring instrument or device which is made or manufactured exclusively for domestic use:

Provided that such instrument or device is not intended for use of any member of the medical profession for use in the course of such profession.

(*2*) Where any officer of the Central or State Government charged with the duty of implementing the law relating to weights and measures has any reason to believe that the model of any weight or measure referred to in sub-section (*1*) requires a test by the prescribed authority, he may acquire one such weight or measure from the market and forward it to the prescribed authority for test, the fees for which shall be payable by the Government employing the officer by whom such weight or measure has been forwarded for test.

(3) Every person shall, before making or manufacturing any weight or measure to which this Part applies, submit for approval of the prescribed authority, such number of models, drawings and other information relating to such weight or measure as may be prescribed:

Provided that in relation to any weight or measure, to which this Part applies, which has already been made or manufactured, or which is in the process of being made or manufactured, at the commencement of this Part, models of such weight or measure shall be submitted to the prescribed authority from out of the weights or measures which have already been, or which are in the process of being, made or manufactured:

Provided further that in the case of a weight or measure the model whereof cannot be submitted, whether by reason of its nature or otherwise, it shall be sufficient if the drawings and other prescribed information about the weight or measure is submitted to the prescribed authority and thereupon that authority shall test the models of such weight or measure at the place where it is made or manufactured or at such other place as may be specified by the Director:

Provided also that the prescribed authority may, if it is satisfied that the model of any weight or measure which has been approved in a country outside India conforms to the standards established by or under this Act, approve such model without any test or after such test as it may deem fit.

(4) The prescribed authority shall levy and collect such fees for the testing of any model, submitted under this section for approval, as may be prescribed.

(5) The prescribed authority shall test the models submitted to it with a view to—

(a) ascertaining whether such models conform to the standards established by or under this Act;

(b) finding out the ability of such models to maintain accuracy over periods of sustained use; and

(c) determining the performance of such models under such varied conditions as may be prescribed.

(6) The prescribed authority shall submit to the Central Government a detailed report on the performance of the model submitted to it together with its recommendations with regard to the desirability or otherwise of issuing a certificate of approval in respect of that model.

(7) The Central Government may, if it is satisfied after considering the report submitted to it by the prescribed authority that the aforesaid model is in conformity with the provisions of this Act or any rule made thereunder and is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions, issue a certificate of approval in respect of that model.

(8) Every certificate of approval of a model shall be published in the Official Gazette and shall also be published in such other manner as the Central Government may think fit.

(*9*) The Central Government may, if it is satisfied that the product made or manufactured in accordance with the model which was approved by it has failed to render the expected performance or to conform to the standards established by or under this Act, revoke the certificate of approval issued by it under sub-section (*7*):

Provided that no such revocation shall be made except after giving the manufacturer of such weight or measure a reasonable opportunity of being heard:

Provided further that where the Central Government is satisfied that as a result of the alteration made by the manufacturer in the model of the weight or measure, such model has become fit for approval, it may vacate the order of revocation of the certificate of approval issued by it.

(*10*) If for any reason any material of the approved model of a weight or measure to which this Part applies becomes non-available in India, the manufacturer may continue the manufacture of such weight or measure with such substitute materials as may be, in his opinion, most suitable for the manufacture of such weight or measure but where the manufacturer does so, he shall send such substitute materials to the prescribed authority for test.

(*11*) If the prescribed authority is of opinion that the substitute material referred to in sub-section (*10*) is not suitable and that there is available in India any other material which is more suitable, that authority shall intimate its findings to the Central Government and also to the manufacturer, and thereupon the manufacturer shall not manufacture the weight or measure with any material other than the material recommended by the prescribed authority, until the material which was originally approved by the prescribed authority becomes available in India:

Provided that where, in the opinion of the prescribed authority, the substitute material referred to in sub-section (*10*) is not suitable and no other suitable material is also available in India, the approval in relation to the model shall stand suspended until a suitable material becomes available in India.

(*12*) Where the model of any weight or measure to which this Part applies has been approved, the models of different denominations of such weight or measure shall not require any approval if such denominations are manufactured in accordance with the same principles according to which, and the same materials with which, the approved model has been manufactured.

Licence to manufacture weights or measures when to be issued.

37. (*1*) Before issuing a licence to make or manufacture any weight or measure to which this Part applies, the State Government shall satisfy itself that a certificate of approval of the model of such weight or measure has been granted by the Central Government under section 36.

(*2*) Where any certificate of approval of any model has been revoked by the Central Government, the licence issued by the State Government for the making or manufacturing of any weight or measure in accordance with such model shall stand suspended:

Provided that such suspension shall stand vacated if such model is subsequently approved by the Central Government.

Weight or measure to contain number of the approved model, etc.

38. Every weight or measure to which this Part applies and for which a model has been approved shall bear thereon, in such manner as may be prescribed, the number of the approved model and the number of the certificate by or under which such model was approved:

Provided that where the Central Government is of opinion that inclusion of any such particulars on any weight or measure is not possible by reason of its size or nature, that Government may exempt the inclusion of such particulars on such weight or measure.

CHAPTER IV

Commodities in Packaged Form Intended to be Sold or Distributed in the Course of inter-State Trade or Commerce

Quantities and origin of commodities in packaged form to be declared.

39. (1) No person shall—

(a) make, manufacture, pack, sell, or cause to be packed or sold; or

(b) distribute, deliver, or cause to be distributed or delivered; or

(c) offer, expose or possess for sale,

any commodity in packaged form to which this Part applies unless such package bears thereon or on a label securely attached thereto a definite, plain and conspicuous declaration, made in the prescribed manner, of—

(i) the identity of the commodity in the package;

(ii) the net quantity, in terms of the standard unit of weight or measure, of the commodity in the package;

(iii) where the commodity is packaged or sold by number, the accurate number of the commodity contained in the package;

(iv) the unit sale price of the commodity in the package; and

(v) the sale price of the package.

Explanation.—In this sub-section, the expression, "unit sale price" means the price according to such unit of weight, measure or number as may be prescribed.

(2) Every package to which this Part applies shall bear thereon the name of the manufacturer and also of the packer or distributor.

(3) Where the package of a commodity to which this Part applies or the label thereon bears a representation as to the number of servings, of the commodity contained therein, such package or label shall also bear a statement as to the net quantity (in terms of weight, measure or number) of each such serving.

(4) The statement on a package or label as to the net weight, measure or number of the contents thereof shall not include any expression which tends to qualify such weight, measure or number:

Provided that the Central Government may, by rules, specify the commodities, the weight or measure of which is likely to increase or decrease beyond the prescribed tolerance limits by reason of climatic variations; and it shall be lawful for the manufacturer or packer of the commodity so specified to qualify the statement as to the net content of such commodity by the use of the words "when packed".

Explanation.—The words "when packed" shall not be used in any case except a case to which the proviso to sub-section (4) applies.

(5) Where the Central Government has reason to believe that there is undue proliferation of weight, measure or number in which any commodity is, or reasonably comparable commodities are, being packed for sale, distribution or delivery and such undue proliferation impairs in the opinion of that Government, the reasonable ability of the consumer to make a comparative assessment of the prices after considering the net quantity or number of such commodity, that Government may direct the manufacturers and also the packers or distributors to sell, distribute or deliver such commodity in such standard quantities or number as may be prescribed.

(6) Whenever the retail price of a commodity in packaged form to which this Chapter applies is stated in any advertisement, there shall be included in the advertisement, a conspicuous declaration as to the net quantity or number of the commodity contained in the package and retail unit sale price thereof.

(7) No person shall sell, distribute or deliver for sale a package containing a commodity which is filled less than the prescribed capacity of such package except where it is proved by such person that the package was so filled with a view to—

(a) giving protection to the contents of such package, or

(b) meeting the requirements of machines used for enclosing the contents of such package.

(8) The Central Government may, by rules, specify such reasonable variations in the net contents of the commodity in a package as may be caused by the method of packing or the ordinary exposure which may be undergone by such commodity after it has been introduced in trade or commerce.

CHAPTER V

Verification and Stamping of Weights and Measures sent from One State to Another

Definitions.

40. In this Chapter, unless the context otherwise requires,—

(a) "Controller" means the person appointed as such by the State Government under the State law;

(b) "Inspector" means the person appointed as such by the State Government under the State law;

(c) "local Inspector" means an Inspector within the local limits of whose jurisdiction any weight or measure is made, manufactured, received, delivered or kept for sale or use;

(d) "State law" means the law enacted by the Legislature of a State, and for the time being in force in that State, with regard to the enforcement of the standards of weight or measure established by or under this Act;

(e) "transferee State" means the State in which any weight or measure is delivered or received for sale or use therein from any other State;

(f) "transferor State" means the State from which any weight or measure made or manufactured therein, or kept therein for sale or use, is sent to, or delivered in, any other State.

Verification and stamping of weights and measures sent from one State to another.

41. (*1*) Where any weight or measure, sent from a transferor State for delivery, sale or use in a transferee State, is such that—

(*a*) it is not required to be dismantled before its despatch to the transferee State and is not likely to lose its accuracy by reason of such despatch, it shall be known, for the purposes of this Chapter, as a weight or measure of the first category;

(*b*) it is required to be dismantled before its despatch to the transferee State and re-assembled and installed for use in the transferee State, it shall be known, for the purposes of this Chapter, as a weight or measure of the second category.

(2) Subject to the provisions of sub-section (*1*), the Central Government may specify, by rules made in this behalf, the classes of weights or measures which would fall in the first category or the second category, and may, from time to time, if the circumstances so require, alter the category in which any class of weight or measure has been specified.

(3) Weight or measure of the first category shall, before it is, despatched to any transferee State, be produced before the local Inspector in the transferor State and if such Inspector is, after verification of such weight or measure, satisfied that such weight or measure conforms to the standards established by or under this Act, stamp the same with such special seal as may be specified by rules made under this Act.

(4) A weight or measure of the second category shall not be verified and stamped in the transferor State but shall be verified and stamped, after its re-assembly and installation for use, by the local Inspector in the transferee State.

(5) The fees for the verification and stamping of every weight or measure of—

(*a*) the first category shall be levied and collected by the transferor State;

(*b*) the second category shall be levied and collected by the transferee State,

in accordance with such scales as may be specified by rules made under this Act.

(6) A weight or measure, whether of the first or second category, shall not require periodical re-verification if it is exclusively intended for domestic use and is not used by any member of the medical profession in the course of such profession.

(7) No weight or measure, whether of the first or of the second category, shall be verified and stamped unless fees for such verification and stamping have been paid in accordance with the scales specified under sub-section (5).

Weight or measure of the first category to be presumed to be correct throughout the territory of India.

42. (*1*) Every weight or measure of the first category which is stamped with the special seal referred to in sub-section (3) of section 41 shall be presumed to be correct throughout the territory of India and shall not be required, until its re-verification in the transferee State becomes due by efflux of time, to be verified or stamped in the transferee State:

Provided that where the local Inspector in the transferee State has any reason to believe that any weight or measure of the first category has lost its accuracy in transit or has, for any other reason, ceased to conform to the standards of weight or measure established by or under this Act, he may, for reasons to be recorded by him in writing, and

communicated to the Controller of the transferor State, through the Controller of the transferee State,—

(*a*) verify such weight or measure; and

(*b*) if, on verification, such weight or measure is found to be inaccurate,—

(*i*) cause such adjustment as is necessary to be made so as to make it conform to the standards established by or under this Act, or

(*ii*) where he is of opinion that such adjustment is not possible, reject it and obliterate the stamp thereon:

Provided further that where any verification, adjustment or obliteration is made in exercise of the powers conferred by the foregoing proviso, no fee shall be charged for such verification, adjustment or obliteration.

(*2*) In computing the time when the re-verification of a weight or measure of the first category, shall become due in the transferee State, the period during which such weight or measure remains unsold or undistributed in the transferee State, shall be excluded.

Weight or measure of the first category not to be sold or used in any State unless it is stamped in the transferor State.

43. No weight or measure of the first category shall be used, sold, purchased, delivered or otherwise transfererd in any transferee State unless such weight or measure bears thereon the stamp made with the special seal referred to in sub-section (*3*) of section 41.

Weights or measures of the second category received from transferor State to be produced before the local Inspector of the transferee State.

44. (*1*) Every person in a transferee State who receives or delivers for sale or use therein any weight or measure of the second category shall, after its re-assembly and installation for use, have such weight or measure verified and stamped by the local Inspector in the transferee State.

(*2*) The local Inspector in the transferee State shall verify every weight or measure of the second category and shall, if he is satisfied that such weight or measure conforms to the standards established by or under this Act, stamp the same with the seal prescribed by or under the State law in force in the transferee State.

(*3*) For the avoidance of doubt, it is hereby declared that where any weight or measure of the second category is delivered or received in a State from any other State, not for the purpose of sale or use therein but for the transmission of such weight or measure to any other State, then, such other State shall be deemed, for the purposes of this Chapter, to be the transferee State in relation to such weight or measure and the provisions of sub-section (*1*) and sub-section (*2*) shall apply accordingly.

Procedure when any weight or measure is transferred from a transferee State to another State.

45. Where any weight or measure, which being in use in a transferee State, is sent to, or delivered in, any other State for sale or use in such other State, then, such other State shall also be deemed to be the transferee State in relation to such weight or measure and the provisions of this Chapter shall, so far as may be, apply to the weight or measure sent to, or delivered in, such other State.

Manufacturers, etc., who send any weight or measure to any other State to submit return to

46. Every manufacturer, dealer or other person in a transferor State, who sends to, or delivers in, any transferee State any weight or measure, whether of the first or of the second category, shall—

(*a*) submit such periodical returns as may be prescribed, to the Controller of the transferor State with regard to such despatch, delivery or transfer and specify in such returns the particulars of the weight or measure which has been sent to, or delivered in, the transferee State;

(*b*) specify in such periodical returns the particulars of the person to whom such weight or measure has been sent, or delivered in the transferee State; and

(*c*) forward a copy of such periodical returns to the Controller of the transferee State.

PART V

IMPORT AND EXPORT OF WEIGHTS AND MEASURES

CHAPTER I

Registration of Exporters and Importers

Persons exporting or importing any weight or measure to get themselves registered

47. (*1*) No dealer or manufacturer shall export or import any weight or measure unless he is registered under this section as such exporter or importer, as the case may be.

(*2*) Every person who intends to commence or continue business as an exporter or importer of any weight or measure shall make, within such time from the commencement of this Act as may be prescribed, an application for the inclusion of his name in the register to be maintained for the purpose.

(*3*) The application referred to in sub-section (*2*) shall be made to the Director and every such application shall be made in such form, in such manner and on payment of such fees, not exceeding ten rupees, as may be prescribed.

(*4*) On receipt of an application referred to in sub-section (*2*), the Director shall, if he is satisfied after such inquiry as he may think fit, that it is expedient in the public interest so to do, include the name of the applicant in the register referred to in sub-section (*2*) and issue to the applicant a certificate to the effect that his name has been so included and send a copy of the said certificate to the Controller of Legal Metrology in the State in which such exporter or importer is carrying on his business.

(*5*) A certificate granted under sub-section (*4*) shall be valid for the period specified therein and may be renewed, from time to time, for such further period as may be prescribed.

CHAPTER II

EXPORT AND IMPORT OF WEIGHTS, MEASURES AND COMMODITIES IN PACKAGED FORM

Conditions under which export of non-standard weights and measures and other goods may be made.

48. (*1*) Subject to such conditions, limitations and restrictions as may be prescribed, the Central Government may allow the export of any weight or measure which has been made or manufactured exclusively for export with the previous permission of that Government notwithstanding that such weight or measure does not conform to the standards established by or under this Act.

(*2*) Where any commodity in packaged form is exported and the person to whom such export is to be made so requires, the exporter may, in addition to specifying the net contents of such package in terms of the standards unit of weight or measure established by or under this Act, also specify the weight or the net contents thereof in terms of such units of weight or measure as may be specified by the person to whom such commodity is to be exported.

(*3*) Notwithstanding anything contained elsewhere in this Act, in relation to any goods which are exported—

(*a*) quotation of any price;

(*b*) issue of any price list, invoice or cash memo;

(c) indication of the weight or measure or number of net contents of any package on any label, carton or other thing;

(*d*) expression of any dimension,

may be made in accordance with any other system of weight, measure or numeration if the person to whom the export is to be made so requires.

Non-metric weight or measure not to be imported.

49. (*1*) Save as otherwise provided in sub-section (*2*), no weight or measure, whether singly or as a part or component of any machine or machinery, shall be imported unless it conforms to the standards of weight or measure established by or under this Act.

(*2*) Where any commodity, machinery or any part or component of any machinery is imported from a country in which the metric system of weight or measure is not in force, or in which such system being in force, such commodity, machinery, part or component of any machinery has not been made or manufactured in accordance with such system, the importer shall, before making such import, make an endeavour to obtain, on such commodity, machinery, part or component, and also on the drawings thereof, the weight or measurement thereof expressed in terms of the standard unit of weight or measure established by or under this Act:

Provided that where any weight or measure has not been expressed in terms of the standard unit of weight or measure established by or under this Act, on any commodity, machinery, part or component or on any drawings thereof the importer shall, within six months from the date of import, get the weight or measure thereof expressed on such commodity, machinery, part or component and on the drawings thereof in terms of the standard unit of weight or measure established by or under this Act.

PART VI

OFFENCES AND THEIR TRIAL

Penalty for use of non-standard weights or measures.

50. Whoever uses any weight or measure or makes any numeration otherwise than in accordance with the standards of weight or measure or the standards of numeration, as the case may be, established by or under this Act, shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both, and, for the second or subsequent offence, with imprisonment for a term which may extend to two years and also with fine.

Penalty for contravention of section 18.

51. Whoever tampers with, or alters, in any way, any reference standard, secondary standard, or working standard except where such alteration is made for the correction of any error noticed therein on verification, shall be punished with imprisonment for a term which may extend to two years, or with fine which may extend to five thousand rupees, or with both.

Penalty for contravention of section 22.

52. Except where any weight or measure is made or manufactured, with the permission of the Central Government, exclusively for export, every person who makes or manufactures any weight or measure which does not conform to the standards of weight or measure established by or under this Act, shall, where such offence is not punishable under any other law relating to weights and measures for the time being in force, be punished with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both, and, for the second or subsequent offence with imprisonment for a term which may extend to three years and also with fine.

Penalty for contravention of section 23

53. Except where any weight or measure is made or manufactured, with the permission of the Central Government, exclusively for export, every person who makes or manufactures any weight or measure which bears thereon any inscription of weight, measure or number which does not conform to the standards of weight or measure or numeration established by or under this Act, shall, where such offence is not punishable under any other law relating to weights and measures for the time being in force, be punished with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both, and, for the second or subsequent offence, with imprisonment for a term which may extend to three years and also with fine.

Penalty for contravention of section 29.

54. Whoever obstructs the Director or any person authorised to exercise the powers or discharge the functions of the Director (hereafter, in this Part, referred to as the "authorised officer") in the exercise of his powers or discharge of his functions as such Director or authorised officer, or with intent to prevent or deter the Director or such authorised officer from exercising his powers or discharging his functions, or in consequence of any thing done or attempted to be done by the Director or such authorised officer in the lawful exercise of his powers or discharge of his functions as such, shall be punished with imprisonment for a term which may extend to two years, and, for the second or subsequent offence, with imprisonment for a term which may extend to five years.

Penalty for contravention of section 32.

55. Whoever in the course of any inter-State trade or commerce, makes any transaction, deal or contract in contravention of the provisions of section 32 shall be punished with fine which may extend to two thousand rupees, and, for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine.

Penalty for contravention of section 33.

56. Whoever, in the course of any inter-State trade or commerce, contravenes the provisions of section 33 shall be punished with fine which may extend to two thousand rupees, and, for the second or subsequent offence, with imprisonment for a term which may extend to three years and also with fine.

Penalty for contravention of section 34.

57. Whoever, in the course of any inter-State trade or commerce,—

(*i*) sells, delivers, or causes to be sold or delivered, to the purchaser any quantity or number of any article or thing, less than the quantity or number contracted for or paid for; or

(*ii*) renders any service by weight, measure or number, less than the service contracted for or paid for; or

(*iii*) demands, or causes to be demanded, or receives, or causes to be received, while buying any article or thing, any quantity or number of goods in excess of the quantity or number contracted for or paid for; or

(*iv*) obtains any service in excess of the service contracted for or paid for,

shall be punished with fine which may extend to five thousand rupees, and, for the second or subsequent offence, with imprisonment for a term which may extend to five years and also with fine.

Penalty for contravention of section 35.

58. Whoever, being required by or under this Act so to do, without any reasonable excuse, omits or fails to maintain any record or register, or being required by the Director or the authorised officer, to produce any record or register for his inspection, omits or fails, without any reasonable excuse, so to do, shall be punished with fine which may extend to one thousand rupees, and, for the second or subsequent offence, with imprisonment for a term which may extend to six months and also with fine.

Penalty for contravention of section 36.

59. Whoever, being required by section 36 to submit the model of any weight or measure for approval omits, or fails, without any reasonable excuse, so to do, shall be punished with fine which may extend to five thousand rupees, and, for the second or subsequent offence, with imprisonment for a term which may extend to five years and also with fine.

Penalty for manufacture of weights or measures unless approval of model is in force.

60. (*1*) Whoever makes or manufactures any weight or measure which is, or is intended to be, sold, distributed, delivered or otherwise transferred in the course of inter-State trade or commerce, shall, unless a certificate of approval of the model of such weight or measure granted under section 36 is in force, be punished with imprisonment for a term which may extend to two years and shall also be liable to fine, and, for the second or subsequent offence, with imprisonment for a term which may extend to five years and also with fine.

(*2*) Whoever, without any reasonable excuse, manufactures any weight or measure in accordance with an approved model with any mate-

rial other than the material approved or recommended by the prescribed authority, shall be punished with imprisonment for a term which may extend to five years and also with fine.

Penalty for contravention of section 38.

61. Whoever makes or manufactures any weight or measure without complying with the requirements of section 38 shall be punished with fine which may extend to five thousand rupees, and, for the second or subsequent offence, with imprisonment for a term which may extend to five years and also with fine.

Penalty for sale, etc., of unverified weights or measures in the course of inter-State trade or commerce.

62. Whoever, in the course of inter-State trade or commerce, sells, distributes, delivers or otherwise transfers any weight or measure which does not conform to the standards of weight or measure established by or under this Act or which has not been duly verified under any other law relating to weights and measures for the time being in force, shall be punished with fine which may extend to ten thousand rupees, and, for the second or subsequent offence, with imprisonment for a term which may extend to seven years and also with fine.

Penalty for contravention of section 39.

63. Whoever, in the course of inter-State trade or commerce, sells, distributes, delivers or otherwise transfers, or causes to be sold, distributed, delivered or otherwise transferred any commodity in a packaged form which does not conform to the provisions of this Act or any rule made thereunder, shall be punished with fine which may extend to five thousand rupees, and, for the second or subsequent offence, with imprisonment for a term which may extend to five years and also with fine.

Penalty for contravention of section 47.

64. Whoever exports or imports any weight or measure without being registered under this Act shall be punished with fine which may extend to one thousand rupees, and, for the second or subsequent offence, with imprisonment for a term which may extend to six months and also with fine.

Penalty for contravention of section 48.

65. Every person who exports any weight or measure or commodity in packaged form which does not conform to the standards of weight or measure established by or under this Act shall, except where such export has been made with the previous approval of the Central Government, be punished with fine which may extend to five thousand rupees, and, for the second or subsequent offence with imprisonment for a term which may extend to five years and also with fine.

Penalty for contravention of section 49.

66. Whoever contravenes, without any reasonable excuse, the provisions of section 49, shall be punished with fine which may extend to five thousand rupees, and, for the second or subsequent offence, with imprisonment for a term which may extend to five years and also with fine.

Penalty where no specific penalty is provided.

67. Whoever contravenes any provisions of this Act for the contravention of which no punishment has been separately provided in any of the provisions of this Act, shall be punished with fine which may extend to two thousand rupees.

Presumption to be made in certain cases.

68. (*1*) If any person, in the course of inter-State trade or commerce, uses, or causes to be used, sells, distributes, delivers or otherwise transfers, or causes to be sold, distributed, delivered or otherwise transferred, any false or unverified weight or measure, it shall be presumed, until the contrary is proved, that he had done so with the knowledge that the weight or measure was a false or unverified weight or measure.

(*2*) If any person makes or manufactures or has in his possession, custody or control any false or unverified weight or measure in such circumstances as to indicate that such weight or measure is likely to be used in the course of inter-State trade or commerce, it shall be presumed, until the contrary is proved, that such false or unverified weight or measure was made, manufactured, possessed, held or controlled by such person with the knowledge that the same would be, or is intended to be, used in the course of inter-State trade or commerce.

Penalty for personation of officials.

69. Whoever personates, in any way, the Director, or any authorised officer, shall be punished with imprisonment for a term which may extend to three years.

Penalty for giving false information or false returns.

70. (*1*) Whoever gives information to the Director or the authorised officer which he may require or ask for in the course of his duty and which such person either knows or has reason to believe to be false shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

(*2*) Whoever, being required by or under this Act so to do, submits a return which is false in material particulars, shall be punished with fine which may extend to two thousand rupees, and, for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine.

Vexatious actions.

71. (*1*) An authorised officer who knows that there are no reasonable grounds for so doing, and yet—

(*a*) searches, or causes to be searched, any house, conveyance or place; or

(*b*) searches any person; or

(*c*) seizes any weight, measure or other movable property,

shall, for every such offence, be punished with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both.

(*2*) If a local Inspector, as defined in section 40,—

(*a*) without any reasonable cause verifies any weight or measure of first category, within the meaning of section 41,

(*b*) without any reasonable cause obliterates any stamp on any such weight or measure,

in contravention of the provisions of the first proviso to section 42, he shall, for every such offence be punished with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both.

Cognizance of offences, etc.

2 of 1974.

72. Notwithstanding anything contained in the Code of Criminal Procedure, 1973,—

(*a*) no court shall take cognizance of an offence punishable under this Act except upon a complaint, in writing, made by the Director or any other authorised officer;

(*b*) no court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence under this Act;

(*c*) an offence punishable under section 50, section 52, section 53, section 56, section 58, section 60, section 61, section 63, section 64, section 65 or section 66, may be tried summarily by a Magistrate and no sentence of imprisonment for a term exceeding one year shall be passed in the case of any conviction for an offence which is summarily tried under this section.

Compounding of offences.

73. (*1*) Any offence punishable under section 50, section 55, section 56, section 57, section 58, section 59, section 60, section 63, section 64, section 65, section 66 or section 67 may, either before or after the institution of the prosecution, be compounded by the Director or such other officer as may be specially authorised by him in this behalf, on payment for credit to the Government of such sum as the Director or such other officer may specify:

Provided that such sum shall not, in any case, exceed the maximum amount of the fine which may be imposed under this Act for the offence so compounded.

(*2*) Nothing in sub-section (*1*) shall apply to a person who commits the same or similar offence within a period of three years from the date on which the first offence, committed by him, was compounded.

Explanation.—For the purposes of this sub-section, any second or subsequent offence committed after the expiry of a period of three years from the date on which the offence was previously compounded, shall be deemed to be a first offence.

(*3*) Where an offence has been compounded under sub-section (*1*), no proceeding or further proceeding, as the case may be, shall be taken against the offender in respect of the offence so compounded, and the offender, if in custody, shall be discharged forthwith.

(*4*) No offence under this Act shall be compounded except as provided by this section.

Offences by companies and power of court to publish name, place of business, etc., of companies convicted.

74. (*1*) If an offence under this Act is committed by a company, every person who, at the time the offence was committed was in charge of, and was responsible to the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to punishment if he proves that the offence was committed without his knowledge or that he had exercised all due deligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to the neglect on the part of, any director, manager, secretary or other officer, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(3) Where any company is convicted under this Act for contravention of any of the provisions thereof, it shall be competent for the court convicting the company to cause the name and place of business of the company, nature of the contravention, the fact that the company has been so convicted and such other particulars as the court may consider to be appropriate in the circumstances of the case, to be published at the expense of the company in such newspapers or in such other manner as the court may direct.

(4) No publication under sub-section (3) shall be made until the period for preferring an appeal against the orders of the court has expired without any appeal having been preferred, or such an appeal, having been preferred, has been disposed of.

(5) The expenses of any publication under sub-section (3) shall be recoverable from the company as if it were a fine imposed by the court.

Explanation.—For the purposes of this section—

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm.

Provisions of Indian Penal Code not to apply to any offence punishable under this Act.

75. The provisions of the Indian Penal Code, in so far as such provisions relate to offences with regard to weights and measures, shall not apply to any offence which is punishable under this Act. 45 of 1860.

PART VII

TRAINING INSTITUTE

Establishment of a training Institute and provisions for training thereat.

76. (1) There shall be established by the Central Government at such place as it may think fit, an Institute to be known as the "Indian Institute of Legal Metrology" (hereafter referred to as the "Institute") for imparting training in legal metrology and other allied branches of knowledge.

(2) The management and control of the Institute, which shall vest in the Central Government, shall be carried on in accordance with such regulations as may be made by the Central Government.

(2) The Central Government shall provide the Institute with such teaching staff and other employees, and with such equipments and other facilities as it may think fit to enable the Institute to function effectively as an institution for imparting adequate training in legal metrology and other allied branches of knowledge.

(4) The courses and curricula for training at the Institute and the period for which the training may be imparted thereat for each course shall be such as may be prescribed.

(5) The Central Government shall prescribe the minimum qualifications which a person shall possess in order to be eligible for admission to the Institute for receiving training thereat and different qualifications may be prescribed for different courses of training imparted at the Institute.

(6) The Central Government and every State Government may depute, in such batches as may be convenient to the Institute, employees of, or above, the rank of an Inspector for receiving training at the Institute and the Central Government may also arrange for the training, at the Institute, of such other persons as it may think fit.

(7) The Institute may,—

(a) carry out such researches in legal metrology and other allied branches of knowledge as may be entrusted to it by the Central Government, and

(b) hold such seminars, meetings or other gatherings as it may think fit.

Training at other places.

77. Where the Central Government is of opinion that in addition to the training imparted at the Institute, it is necessary to impart to an employee, not below the rank of an Inspector, further specialised training which is not provided for at the Institute, it may send such employee to such other place, authority or institution as it may think fit for receiving such specialised training.

PART VIII

MISCELLANEOUS

Survey and statistics.

78. The Central Government shall make, or cause to be made, such surveys and collect, or cause to be collected, such statistics as it may consider necessary with a view to ascertaining the extent to which any standard of weight, measure or numeration established by or under this Act has been implemented in any area or in relation to any class of undertakings, users or goods and it shall be the duty of every person using weight or measure or making any numeration to render such assistance as the person making such survey or collecting such statistics may require

Conversion of non-metric weights and measures into standard units of weights or measures.

79. (1) The value expressed in terms of any unit of weight or measure other than in terms of the standard units of weight or measure may be converted into the value expressed in terms of a standard unit of weight or measure at the rate specified in the Schedule.

(2) All references in any enactment or in any notification, rule or order made under any enactment, or in any contract, deed or other instrument, for the time being in force, to a value expressed in terms of any unit of weight, measure or numeration other than that of a standard unit of weight, measure or numeration shall be construed as references to that value expressed in terms of standard units of weight, measure or numeration as the case may be, converted at the rates specified in the Schedule

Non-metric weight or measure not to be mentioned in any document, etc., or to form the basis of any contract after the commencement of this Act.

80. (*1*) No unit of weight, measure or numeration shall, after the commencement of this Act, be stated in any enactment, notification, rule, order, contract, deed or other instrument in terms of any unit of weight, measure or numeration other than that of a standard unit of weight, measure or numeration.

(*2*) On and from the commencement of this Act, no weight, measure or number other than the standard weight, measure or number shall be used in, or form the basis of, any contract or other agreement in relation to any inter-State or international trade or commerce:

Provided that in relation to any goods which are exported, the weight, measure or number of such goods may be indicated thereon, or in any contract, in addition to the standard units of weight, measure or numeration, in accordance with any other system of weight, measure or numeration if the person to whom the export is to be made so requires.

(*3*) Any contract or other agreement in contravention of the provisions of sub-section (*2*) shall be void.

(*4*) No written record of the results of any measurement shall be maintained in any unit other than the standard unit of weight, measure or numeration established by or under this Act.

Appeals.

81. (*1*) Subject to the provisions of sub-section (*2*), any person aggrieved by an order made under section 30 or section 36 may prefer an appeal against such order to the Director, or where the order has been made by the Director, to the Central Government.

(*2*) Every such appeal shall be preferred within sixty days from the date on which the impugned order was made:

Provided that the appellate authority may, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal within the said period of sixty days, permit the appellant to prefer the appeal within a further period of sixty days.

(*3*) On receipt of any such appeal, the appellate authority shall, after giving the parties to the appeal a reasonable opportunity of being heard and after making such inquiry as it deems proper, make such order, as it may think fit, confirming, modifying or reversing the order appealed against or may send back the case with such direction as it may think fit for a fresh order after taking additional evidence, if necessary.

(*4*) Every appeal shall be preferred on payment of such fee, as may be prescribed.

(5) The Central Government may, on its own motion or otherwise, call for and examine the record of any proceeding (including a proceeding in appeal) in which any decision or order has been made, for the purpose of satisfying itself as to the correctness, legality or propriety of such decision or order and may pass such order thereon as it may think fit:

Provided that no decision or order shall be varied under this subsection so as to prejudicially affect any person unless such person has been given a reasonable opportunity of showing cause against the proposed action.

Levy of fees.

82. (*1*) The Central Government may, by rules made under section 83, specify such fees, not exceeding—

(*a*) five thousand rupees, for the approval of the model of any weight or measure intended to be made or manufactured for sale, purchase, distribution or delivery in the course of any inter-State trade or commerce;

(*b*) one thousand rupees, for the verification and stamping of a weight or measure of the first category within the meaning of section 41;

(*c*) five thousand rupees, for the verification and stamping of a weight or measure of the second category, within the meaning of section 41;

(*d*) one rupee for every 100 words or less, for the grant of copies of any document, not being a document of a confidential nature;

(*e*) ten rupees, for the registration of exporters or importers of weights and measures;

(*f*) twenty-five rupees for any appeal preferred under this Act.

(2) No approval, verification or stamping shall be made, copy granted, registration made or appeal entertained unless the fee prescribed therefor under sub-section (*1*) has been paid.

Power to make rules

83. (*1*) The Central Government may, by notification, make rules for carrying out the provisions of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) supplementary, derived, special or other units of weight or measure, standard symbols or definitions, as recommended by the General Conference of Weights and Measures or the International Organisation of Legal Metrology;

(*b*) multiples and sub-multiples of, and physical constants, ratios or co-efficients in relation to units of weight or measure, as recommended by the General Conference on Weights and Measures or the International Organisation of Legal Metrology;

(*c*) denominations of decimal multiples and sub-multiples of numerals and the manner in which they shall be written;

(*d*) periodical intervals at which the accuracy of the objects or equipments referred to in sub-section (*1*) or sub-section (*2*) of section 16 shall be certified;

(*e*) the manner in which and the conditions under which every national prototype, referred to in section 15, and every object or equipment referred to in section 16, shall be kept;

(*f*) the manner in which and the conditions under which every reference standard, secondary standard or working standard shall be kept;

(*g*) the place at which, the authority by which, the manner in which, and the periodical intervals at which, every reference standard, secondary standard and working standard shall be verified and authenticated;

(*h*) the custody in which every reference standard, secondary standard or working standard shall be kept;

(*i*) the physical characteristics, configuration, constructional details, materials, equipment, performance, tolerances, methods or procedures of tests, in relation to weights or measures;

(*j*) the conditions, limitations and restrictions under which non-standard weights or measures may be manufactured for export or may be exported;

(*k*) the manner of disposal of any commodity which is subject to speedy or natural decay;

(*l*) class of goods or undertakings in relation to which, or class of users in relation to whom, no transaction, dealing or contract shall be made or had except by specified weight, measure or number;

(*m*) registers and records to be maintained by persons referred to in section 35;

(*n*) the authority to whom models are to be submitted for approval;

(*o*) the number of models, drawings and other information which are to be submitted for the approval of the model;

(*p*) the conditions under which the performance of any model is to be tested;

(*q*) the manner in which the number of model and certificate shall be inscribed on every weight or measure;

(*r*) the manner of declaration of the contents of a package and specification of the unit of weight, measure or number in accordance with which the retail sale price shall be declared on the package;

(*s*) the standard quantities or number in which commodities may be packed;

(*t*) the capacity up to which a package shall be filled;

(*u*) the reasonable variations in the net contents of a packaged commodity which may be caused by the method of packing or ordinary exposure;

(*v*) the classes of weights or measures which would fall in the first category or the second category;

(*w*) the special seal by which weights or measures of the first category shall be stamped;

(*x*) periodical returns to be submitted by every manufacturer, dealer or other person in a transferor State;

(*y*) the form and manner in which, and the time within which, applications for inclusion of a name in the register of exporters and importers of weights and measures shall be made;

(*z*) the period for which certificate of registration of an exporter or importer of weights or measures may be renewed;

(*za*) the courses and curricula for, and the period of, training at the Institute;

(*zb*) the minimum qualifications for admission to the Institute;

(*zc*) the scales in accordance with which fees may be collected under section 82;

(*zd*) any other matter which is required to be, or may be, prescribed.

(3) In making any rule under this section, the Central Government may provide that a breach thereof shall be punishable with fine which may extend to two thousand rupees.

(4) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

of 1956. **84.** (*1*) The Standards of Weights and Measures Act, 1956, is hereby repealed. Repeal and savings.

10 of 1897. 89 of 1956. (2) Without prejudice to the provisions contained in the General Clauses Act, 1897, with respect to repeals, any notification, rule or order made under the Standards of Weights and Measures Act, 1956, shall, if in force, at the commencement of this Act, continue to be in force and have effect as if made under the corresponding provision of this Act.

THE SCHEDULE

(*See* section 79)

(1) *Length* :

1 inch	=0·025 4 metre
1 foot	=0·304 8 metre
1 yard	=0·914 4 metre
1 mile	=1 609·344 metres
1 nautical mile (UK)	=1 853·18 metres

For Survey of India only

1 foot	=0·304 799 6 metre

(2) *Area*:

1 square inch	0·000 645 16 square metre
1 square foot	=0·092 903 04 square metre
1 square yard	=0·836 127 36 square metre
1 square mile	=2 589 988·110 336 square metres

For Survey of India only

1 square foot	=0·092 903 square metre
1 acre	=4046·846 8 square metres
	=0·404 684·58 hectare

(3) *Volume* :

1 cubic inch	=0·000 160 387 064 cubic metre
1 cubic foot	=0·023 316 846 592 cubic metre
1 cubic yard	=0·764 554 857 984 cubic metre
1 gallon (UK)	=0·004 546 087 cubic metre
1 gallon (USA)	=0·003 785 411 784 cubic metre
1 bushel (USA) (2 150·42 cubic inches)	=0·035 239 070 17 cubic metre
1 barrel (for petroleum)	=0·158 987 294 928 cubic metre
1 acre-foot	=1 233·482 cubic metres

(4) *Mass* :

1 grain	=0·000 064 798 91 kilogram
1 tola	=0·011 663 803 8 kilogram
1 seer	=0·933 104 304 kilogram
1 maund	=37·324 172 16 kilograms
1 ounce (troy)	=0·031 103 476 8 kilogram
1 ounce (avoirdupois)	=0·453 592 37 kilogram
1 hundredweight (UK)	=50·802 345 44 kilograms
1 hundredweight (USA)	=45·359 237 kilograms
1 ton (UK)	=1 016·046 908 8 kilograms
1 ton (USA)	=907·184 74 kilograms

(5) *Temperature* :

1 degree Fahrenheit (unit)	=5/9 kelvin or degree (celsius)
temperature in degrees Fahrenheit (t° F)	=5/9 (t° F+459·67) kelvins
	=5/9 (t° F—32) degree celsius

(6) *Force* :

1 pound-force	=4·448 221 615 260 5 newtons
1 poundel	0·1 38 254 954 376 newton

(7) *Pressure* :

1 barometric inch of mercury	=3 386·388 640 341 pascals
1 inch of water	=249·088 91 pascals

(8) *Energy* :

1 British thermal unit	=1 055·055 852 62 joules
1 foot-pound-force	=1·355 817 948 331 400 4 joules

(9) *Power* :

1 horse-power (UK)	=745·699 871 582 270 22 watts
1 horse-power (European)	=735·498 75 watts
1 ton of refrigeration	=3516·852 842 67 watts,

STATEMENT OF OBJECTS AND REASONS

In India, uniform standards of weights and measures, based on the metric system, were established, for the first time, by the Standards of Weights and Measures Act, 1956. The standards established by the 1956-Act were, however, based on the international system of units, as recognised by the General Conference of Weights and Measures (CGPM) and the International Organization of Legal Metrology (OIML). Subsequent to the enactment of the said Act, CGPM revised the standards of weights and measures with a view to providing a coherent scheme for measurements having regard to the rapid advances made in the fields of science and technology, and evolved a practical system of units of weights and measures, suitable for adoption for all the signatories to the Metre Convention. This practical system of weights and measures was given the name "Le Systeme International d'Unites" (with its international abbreviation "SI"). The SI includes seven base units, two supplementary units, about fifty derived units and a few special units. The SI is not a new system; it emanates from the six primary units which were established by the 1956-Act, and also includes derived units which are required in the specialised fields of nuclear science, space technology, aeronautics, electronics, communication and for the manufacture of high-precision instruments and equipments required in the country and for export. To sustain and assist scientific and technological research in the country, more accurate standards of weights and measures, as in the SI, have to be adopted for the measurement of space and time, temperature and heat, magnetic quantities, X-ray dosages, nuclear radiation, etc. The Indian Science Academy and other scientific and technical organizations, as well as the technical departments of the Government, have urged the formal adoption of SI and other units to facilitate their working.

2. The OIML, which is responsible for the preparation of international laws on weights and measures, called "Legal Metrology", has recognised all the SI units for legal purposes and has prepared the draft of a legislation for enactment by member-countries.

3. India is a signatory to the Metre Convention and is thus a member of the CGPM. India is also a member of the OIML. In view of the revision by the CGPM of the standards of weights and measures and the changes in the law suggested by the OIML, the Central Government constituted a Committee with Shri S. K. Maitra, a Joint Secretary in the Ministry of Law, Justice and Company Affairs, as its Chairman, to consider what changes were required to be made in the 1956-Act to give effect to the recommendations made by the aforesaid international organizations. The said Committee included technical and scientific experts and also included representatives of some of the State Governments.

4. After going into the matter in depth, the Committee submitted a unanimous recommendation suggesting the replacement of the 1956-Act by a comprehensive legislation on the subject. The Bill seeks to give effect to the recommendations of the aforesaid international organizations.

5. The Bill further provides for consumer protection in respect of packaged commodities by providing, in pursuance of the recommendations of the OIML, for the proper indication on the package of net quantity by weight, measures or number, the identity of the commodity contained therein, name of the manufacturer, and, what is very important, the price of the package. It is also proposed that commodities commonly used by people should be packed in rationalised standard quantities by weight, measure or number, so as to facilitate the purchase and comparison of price by the people. Further, indication of date of manufacture and date of expiry would also be marked for appropriate products.

6. A further provision for consumer protection is the approval of models of weights, measures and weighing and measuring instruments, which is recommended by the OIML draft law. The scientific evaluation of the performance, accuracy and dependability of weights, measures etc would enable the consumer to buy his requirements with greater confidence about accuracy and also give industries the facility to use more accurate measuring instruments in their production control and enable the scientists to measure accurately the quantities involved in their researches. All these benefits will contribute to national development.

7. The main features of the Bill are,—

(*a*) establishment of the standards of weights and measures, based on the SI units, as adopted by the CGPM and recognised by the OIML;

(b) establishment of the standards of numeration, based on the international form of Indian numerals;

(c) regulation of inter-State trade and commerce in weights and measures and commodities sold, distributed or supplied by weight or measure;

(*d*) regulation of inter-State trade and commerce in commodities sold, supplied or distributed in packaged form;

(*e*) control and regulation of export and import of weights and measures and commodities in packaged form;

(*f*) approval (before manufacture) of models of weighing and measuring instruments intended to be manufactured after the commencement of the proposed legislation;

(*g*) establishment of an Indian Institute of Legal Metrology for imparting training in legal metrology to inspectors and other persons;

(*h*) surveys and collection of statistics for facilitating planning and enforcement of the proposed legislation;

(*i*) punishment for offences against the proposed legislation.

NEW DELHI; A. C. GEORGE,

The 3rd July, 1975.

FINANCIAL MEMORANDUM

Clauses 24 and 25 of the Bill require the Central Government to prepare, or cause to be prepared, at the Central Governmnt Mint at Bombay, sets of reference, secondary and working standards. Enactment of these provisions would require the expansion of the Mint aforesaid. Under the Indo-German Agreement the said Mint would receive specialised equipments and machinery from the Government of the Federal Republic of Germany, but the Government of India will have to provide for the purchase of indigenous equipments, necessary workshop facilities and technical staff. The expansion of the Metrology Wing of the Central Government Mint at Bombay would need an extra expenditure. The non-recurring expenditure for such expansion is estimated to be of the order of Rs. 15 lakhs and the recurring expenditure is estimated to be of the order of Rs. 10 lakhs.

The reference, secondary and working standards needed by the Central Government under clauses 24 and 25 are required to be kept at the prescribed place in prescribed custody. Accordingly, it is proposed to establish four Standard Laboratories, region-wise, in a phased manner in the course of the Fifth and Sixth Plans. The non-recurring expenditure for the establishment of these Regional Laboratories is estimated to be of the order of Rs. 30 lakhs (which will also include the cost of the reference, secondary and working standards needed by the Central Government and will further include the cost of reference standards required to be supplied to the State Government) and the recurring expenditure for the employment of scientific and technical staff needed for such laboratories is estimated to be of the order of Rs. 6 lakhs.

Clause 28 of the Bill empowers the Central Government to appoint a Director of Legal Metrology and as many Additional, Joint, Deputy or Assistant Directors and other officers and staff as may be necessary for exercising powers and efficiently discharging the duties conferred or imposed on them by or under the Act. At present, there is a Directorate of Weights and Measures at the Centre. It is proposed to expand the said Directorate in view of the additional work proposed to be assigned to that Directorate by or under the Bill. The additional recurring expenditure on such expansion of the Directorate is estimated to be of the order of Rs. 5 lakhs per annum.

Clause 36 of the Bill provides for the approval of the model of every weight or measure before large-scale production of such weight or measure is undertaken. The Bill contemplates the establishment of one or more laboratories for the testing of the models of weights and measures submitted to the Central Government for approval. It is, however, proposed that, during the initial stages, the work connected with the approval of models of weights and measures should be entrusted to the Standards Division of the National Physical Laboratory which is already well-equipped for the purpose. Further facilities for the testing and approval of models are likely to be created under the Indo-German Technical Co-operation. In the course of time, the cost incurred in the main-

tenance of such laboratories is expected to be met by the fees received for the approval of models, the expected income of the fees being Rs. 5 lakhs per annum. During the initial stages, however, a small non-recurring expenditure of the order of Rs. 1 lakh, is likely to be incurred for the testing of models. A recurring expenditure of Rs. 25,000 per annum is also estimated to be incurred to give effect to the provisions of clause 36 (2).

Clause 76 of the Bill provides for the establishment of the Indian Institute of Legal Metrology for imparting training in legal metrology and other allied branches of knowledge. At present, a training Institute is already functioning under the Central Government for the purpose aforesaid. It would be necessary to expand the said Institute in view of the provisions of the proposed Bill. An additional expenditure of the order of Rs. 3 lakhs per annum is estimated to be incurred for the expansion of the training Institute. The additional recurring expenditure for the training Institute is estimated to be of the order of Rs. 5 lakhs.

Other provisions of the Bill, if enacted, will not involve any recurring or non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 83 of the Bill empowers the Central Government to make rules to carry out the provisions of the Bill. The matters in respect of which such rules may be made include matters relating to—

(a) supplementary, derived, special or other units of weight or measure, standard symbols or definitions, as recommended by the General Conference of Weights and Measures or the International Organisation of Legal Metrology;

(b) multiples and sub-multiples of, and physical constants, ratios or co-efficients in relation to units of weight or measure, as recommended by the General Conference on Weights and Measures or the International Organisation of Legal Metrology;

(c) the manner in which and the conditions under which every reference standard, secondary standard or working standard shall be kept;

(d) the place at which, the authority by which, the manner in which, and the periodical intervals at which every reference standard, secondary standard and working standard shall be verified and authenticated;

(e) the conditions, limitations and restrictions under which non-standard weights or measures may be manufactured for export or may be exported;

(f) the manner of disposal of any commodity which is subject to speedy or natural decay;

(g) class of goods or undertakings in relation to which, or class of users in relation to whom, no transaction, dealing or contract shall be made or had except by specified weight, measure or number;

(h) the authority to whom models are to be submitted for approval;

(i) the conditions under which the performance of any model is to be tested;

(j) the manner in which the number of model and crtificate shall be inscribed on every weight or measure;

(k) the manner of declaration of the contents of a package and specification of the unit of weight, measure or number in accordance with which the retail sale price shall be declared on the package;

(l) the special seal by which weights or measures of the first category shall be stamped;

(m) periodical returns to be submitted by every manufacturer, dealer or other person in a transferor State;

(n) the form and manner in which, and the time within which, applications for inclusion of a name in the reigster of exporters and importers of weights and measures shall be made;

(o) the period for which certificate of a registration of an exporter or importer of weights or measures may be renewed;

(p) the courses and curricula for, and the period of, training at the Institute.

2. The matters in relation to which such rules may be made are matters of procedure or detail. The delegation of legislative power is, therefore, of a normal character.

B. N. BANERJEE,

Secretary-General.

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